

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2460

Introduced by Assembly Member Dickinson

February 24, 2012

An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL’S DIGEST

AB 2460, as amended, Dickinson. Firearms.

Under existing law, a person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year. Existing law exempts from this requirement the purchase of a handgun, if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff’s official, a marshal’s office, the Department of Corrections and Rehabilitation, the California Highway Patrol, any district attorney’s office, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

This bill would prohibit a person exempted under the above provision from ~~giving a~~ *selling or otherwise transferring the ownership of the* handgun to a person who is not exempted under the same provision. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The bill would also make nonsubstantive, technical corrections.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32000 of the Penal Code is amended to
2 read:

3 32000. (a) Commencing January 1, 2001, a person in this state
4 who manufactures or causes to be manufactured, imports into the
5 state for sale, keeps for sale, offers or exposes for sale, gives, or
6 lends an unsafe handgun shall be punished by imprisonment in a
7 county jail not exceeding one year.

8 (b) This section shall not apply to any of the following:

9 (1) The manufacture in this state, or importation into this state,
10 of a prototype handgun when the manufacture or importation is
11 for the sole purpose of allowing an independent laboratory certified
12 by the Department of Justice pursuant to Section 32010 to conduct
13 an independent test to determine whether that handgun is prohibited
14 by Sections 31900 to 32110, inclusive, and, if not, allowing the
15 department to add the firearm to the roster of handguns that may
16 be sold in this state pursuant to Section 32015.

17 (2) The importation or lending of a handgun by employees or
18 authorized agents of entities determining whether the weapon is
19 prohibited by this section.

20 (3) Firearms listed as curios or relics, as defined in Section
21 478.11 of Title 27 of the Code of Federal Regulations.

22 (4) The sale or purchase of a handgun, if the handgun is sold
23 to, or purchased by, the Department of Justice, a police department,
24 a sheriff's official, a marshal's office, the Department of
25 Corrections and Rehabilitation, the California Highway Patrol,
26 any district attorney's office, or the military or naval forces of this
27 state or of the United States for use in the discharge of their official
28 duties. Nor shall anything in this section prohibit the sale to, or
29 purchase by, sworn members of these agencies of a handgun. A
30 person ~~exempted pursuant to this paragraph~~ who, under this
31 paragraph, acquires a handgun that is not on the roster required
32 by Section 32015, shall not ~~give a~~ sell or otherwise transfer

1 *ownership of the* handgun to a person who is not exempted under
2 ~~this section~~ *paragraph*.

3 (c) Violations of subdivision (a) are cumulative with respect to
4 each handgun and shall not be construed as restricting the
5 application of any other law. However, an act or omission
6 punishable in different ways by this section and other provisions
7 of law shall not be punished under more than one provision, but
8 the penalty to be imposed shall be determined as set forth in Section
9 654.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.